

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID S. TAUB and MARC TAUB,
as successor to MARTIN G. TAUB, deceased,

Index No.: 09-cv-599

Plaintiffs,

-against-

MARCHESI DI BAROLO S.P.A.,

Defendant.
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DECLARATION OF JACK CACCIATO

Pursuant to 28 U.S.C. § 1746, JACK CACCIATO hereby declares, under penalty of perjury, that the following is true and correct:

1. I am over 21 and competent to testify.
2. I am the founder and President of WineWave / Vinteligenze LLC ("WineWave"). WineWave imports foreign wines into the United States, and sells and markets the brands that it represents to wine distributors. I have been in the wine importation business for over 30 years, as a wine importer, importer representative, and distributor sales manager.
3. WineWave is currently the exclusive importer of Marchesi di Barolo ("Marchesi") the defendant in the above captioned matter.
4. Palm Bay has also sued WineWave in New York State Court, in *Palm Bay v. Winewave*, 09-005946. Rachael G. Pontikes and Duane Morris LLP represent WineWave in the state court suit that Palm Bay filed. The State court stayed this suit

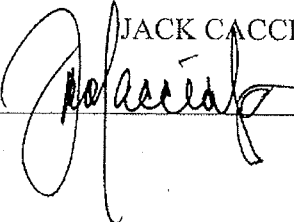
pending the resolution of the federal actions.

5. During the week of October 26, 2009, I was informed from various knowledgeable sources in the wine industry that Palm Bay was in discussions with FontanaFredda for FontanaFredda to take the place of Marchesi's position in Palm Bay's portfolio.

6. This made sense to me, since I know that FontanaFredda is capable of filling Marchesi's position in the Palm Bay portfolio.

7. Therefore, during the week of October 26, 2009, I called and informed one of my attorneys, Ms. Pontikes, that I had been told by various industry members that Palm Bay was in discussions with FontanaFredda to replace the Marchesi products in Palm Bay's portfolio.

8. At no point did Ms. Pontikes advise me of the subject matter of any confidential information in any of the pending litigation.


JACK CACCIATO